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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/171,043	
	Filing Date	10/09/1998	
	First Named Inventor	Konnersman, Paul M.	
	Art Unit	2124	
	Examiner Name	Khatri, Anil	
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ENCLOSURES (Check all that apply)		
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Remarks Fees Transmitted: Issue and Publication Fees After Allowance Communication to TC: Response to Statement of Reasons for allowance		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
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Printed name	Paul M. Konnersman		
Date	November 17, 2004	Reg. No.	

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App. No. 09/171,043

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul M. Konnersman

Art Unit: 2124

Appl. No.: 09/171,043

Examiner: Anil Khatri

Filed: October 9, 1998

For: **COMPUTER BASED SYSTEM FOR WORK PROCESSES THAT CONSIST OF
INTERDEPENDENT DECISIONS INVOLVING ONE OR MORE PARTICIPANTS**

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

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November 17, 2004

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir

The following Comments on the Statement for Reasons for Allowance is requested to be placed in the file wrapper.

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

While applicant believes that the claims are allowable, applicant disagrees with the Statement of Reasons for Allowance (the Statement) in the following respects.

1. The Statement makes an inaccurate and unwarranted representation regarding what is claimed in stating that, “. . . the claimed subject matter of improving managerial workflow process . . .,” and that, “. . . the claimed invention improves workflow process . . .” These statements may be read as importing an interpretation into the claims that is imprecise, inaccurate and places an unwarranted interpretation upon the claims, not properly taking into account the applicant’s claimed invention as reflected in the specification and the applicant’s responses to the Examiner’s office actions. The Statement’s reference simply to “improving” is an inaccurate and unwarranted limitation. Further, the Statement’s reference to specific forms of improvement is still less warranted. The specification indicates explicitly, not only that improvement is but one of the objectives of the invention, but that reliability and speed are possible but not necessary ways of measuring improvement.

2. The Statement makes another inaccurate and unwarranted representation regarding what is claimed in stating that, “. . . the claimed subject matter of improving managerial workflow process . . .,” and that, “. . . the claimed invention improves workflow process . . .” These statements might be read as importing an additional interpretation into the claim that is imprecise, inaccurate in yet another respect and place yet another unwarranted interpretation upon the claims that does not properly take into account the applicant’s claimed invention as reflected in the specification and the applicant’s responses to the Examiner’s office actions. While the claimed invention is described as having some characteristics in common with workflow software, the specification explicitly differentiates it from “workflow.” Nor is the

term *workflow* used in the allowed claims. Further, the specification explicitly asserts the inadequacy of workflow software with respect to the claimed subject matter. Therefore, the Statement's identification of the claimed invention with "workflow" is both inaccurate and unwarranted.

3. The meaning of, "... incorporating concrete decision classes in the flow," in the Statement is unclear at best and may place yet another unwarranted interpretation upon the claims. The term *flow* occurs nowhere in the claims and is only used in the specification with reference to so-called "data flow diagrams" of the OMT notation utilized by the specification. It is unclear whether the Statement's reference is to one of these flows, and if so to which one, and in any case, how either the specification or claims warrants the association of "concrete decision classes" with any flow.

4. The Statement misrepresents the claims in stating that ,

"... claims 2, 7, 17, 21, 30 and 46 are and 13 are directed to generating concrete decision classes by customizing them, providing network whose nodes are abstract in decision situation, representing choices are modeled by concrete decision classes and by instances of those classes, constructing a computer based process model for each and more work process and providing at least two decision roles support participation for one or more in decision making process, ..."

This representation does not pertain to all of the allowed claims. Consequently, the Statement could be incorrectly construed to imply that each and every allowed claim requires all of the features recited by the Examiner. Each and every claim does not require all of the features recited by the Examiner. This is evident in the claims themselves and in the Examiners' Office Actions and the Applicant's replies thereto. The Statement attributes five features to claims 2, 17, 21, 30 and 46 which are at best an unwarranted amalgamation of inaccurate paraphrases of portions of the language of several different claims. To the extent that any one of these

attributions is warranted, it is warranted only for some, but not all, of the claims with which the Statement associates it.

5. While applicant believes that the claims are allowable, applicant does not acquiesce that patentability resides in each feature cited in the Statement, nor that each cited feature is required for patentability, because the stated reasons for allowance are not exhaustive of valid reasons for allowance. Applicant notes that the Manual of Patent Examining Procedure provides that,

“The statement [of reasons for allowance] is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state that all the reasons for allowance are set forth. [MPEP, 1302.14]”

6. Applicant does not acquiesce to any inference or presumption drawn from the Statement. In particular, applicant does not acquiesce to any inference or presumption that the allowed dependent claims stand or fall with the claims from which they depend, because all of the claims which depend from the allowed claims recite further limitations, in addition to those recited by the claim from which they depend. It will also be appreciated that it is not necessary to meet any or all of the identified advantages or objectives of the invention disclosed in the specification in order to fall within the scope of any claims, since the invention is defined by the claims and since inherent and/or unforeseen advantages of the present invention may exist even though they may not have been explicitly discussed in the specification.

Respectfully submitted,



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